

Starksboro, Vermont
Health Ordinance relating to Individual Sewage Disposal Systems
Contact: Town Clerk
(802)453-2639
Health Ordinance
Adopted: 1983

HEALTH ORDINANCE FOR TUE TOWN OF STARKSBORO RELATINC TO INDIVIDUAL SEWAGE DISPOSAL SYSTEMS

SECTION I. PURPOSE

This ordinance is promulgated under V.S.A. Title 18, Section 613 (Powers of Local Board of Health). The purpose of this ordinance is to:

1. prevent the creation of health hazards;
2. prevent surfacing sewage; the contamination of drinking water, groundwater, and surface water;
3. insure adequate drainage related to the proper functioning of sewage disposal; and
4. insure that facilities are designed, constructed, operated, and maintained in a manner which will promote sanitary and healthful conditions.

SECTION II. APPLICABILITY OF ORDINANCE

No individual sewage disposal system shall be built, altered or used except in accordance with this ordinance, and only after a permit has been issued by the Health Officer.

Exceptions:

1. When a minor modification to an existing system is proposed, the Health Officer may waive the permit requirement on a case by case basis.
2. Existing domestic sewage disposal Systems in operation at the time of adoption of this ordinance shall be considered approved, provided that such systems do not create a health hazard or nuisance. Whether an existing system is causing a health hazard or nuisance shall be a decision of the Health Officer. The Health Officer shall approve proposed modifications to systems determined to be a health hazard or nuisance when satisfied that the modifications will meet the performance standards in Section I.

When a municipal sewer is available for connection from a building, a building sewer handling domestic sewage shall be connected to the municipal sewer.

In case of any other applicable regulation, bylaw, ordinance or statute which differs from this ordinance, the more strict shall apply.

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SECTION III. APPLICATION PROCEDURE

1. Disposal System Construction Permit

Any person who intends to build, replace or alter a sewage disposal system shall submit an application for a Disposal System Construction Permit to the Health Officer. The application shall contain soil and site information as required by Vermont Health Regulations, Chapter 5, Subchapter 10, Wastewater Treatment and Disposal-- Individual On-Site Systems (incorporated herein by reference and hereafter referred to as Vermont Health Regulations"). Individual sewage disposal systems shall be designed in accord with the design specifications in the Vermont Health Regulations. In cases where the proposed project requires a Zoning Permit under provisions of the Starksboro Town Zoning Bylaws, the Zoning Permit shall serve as the Disposal System Construction Permit and may be issued only after the Health Officer has determined the sewage disposal system design to be in compliance with this ordinance.

2. Disposal System Use Permit

The designer of the approved sewage disposal system shall submit a final inspection report to the Health Officer. Such report shall certify whether the disposal system has been installed as approved. Any variations from the approved design shall be noted in the report. The Health Officer may also inspect the system before it is covered with soil. The Health Officer shall issue a Disposal System Use Permit when satisfied that the installed sewage system is in compliance with this ordinance. In the case of projects requiring a Zoning Permit under provisions of the Starksboro Town Zoning Bylaws, the Zoning Occupancy Permit shall serve as the Disposal System Use Permit.

SECTION IV. ALTERNATIVE SYSTEMS

1. Chemical toilets, privys, composting toilets and incineration toilets may be approved on a case by case basis by the Local Health Officer or his duly appointed agent. If one of the above toilets is used and soil conditions allow, the absorption area of the associated subsurface sewage disposal system may be reduced, provided sufficient area is available to add to the leach field in the event that conventional toilets are used to replace the waterless toilets. Full replacement area for a subsurface disposal field is also required. Reduction in the size of any mound system will not be permitted. In allowing a reduction of a subsurface disposal field, the Local Board of Health shall insure that subsequent owners of the property are aware of the limitations of the

reduced disposal field and that said disposal area is increased to normal size prior to installation of water-type toilets.

2. At the discretion of the Local Board of Health, and authorized in writing, deviations from the design specifications may be allowed. Such deviations will only be allowed if the minimum soil and site requirements and the performance standards of the Vermont Health Regulations will be met.

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3. If a person wishes to use a sewage disposal system not in accord with this ordinance, the Local Board of Health may present the proposed system to the State Board of Health for approval. If a proposed alternative system is approved by the State Board of Health, the Local Board of Health may permit use of the system.

SECTION V. ADMINISTRATIVE PROCEDURE

This procedure is adopted by the authority granted in 18 V.S.A. Section 613 with approval of the State Board of Health, and in accordance with Section 5-909 of the Vermont Health Regulations, Chapter 5, Subchapter 10.

Technical Information. Technical information required in the application for Construction and Use Permits shall be prepared by a Sanitary Site Technician of the Vermont Association of Conservation Districts, Inc. or a licensed Professional Civil or Sanitary Engineer.

Permit Granting Authority. Technical information shall be reviewed and Construction and Use Permits shall be granted or denied by the Town Health Officer or his authorized agent.

Appeals. Applicants may appeal decisions of the Permit Granting Authority to the Local Board of Health. Decision of the Local Board of Health may be appealed to the Superior Court.

SECTION VI. ENFORCEMENT

Written Orders.

1. If the Health Officer or his authorized agent finds a person failing to comply with this ordinance he may, in writing, order the person to comply within a specified period of time (18 V.S.A. Section 614).

2. A person who neglects or refuses to comply with a written order of the Local Board of Health, the Health Officer, or his authorized agent may be fined not more than \$500 for each offense. Each week that a violation is continued shall constitute a separate offense (24 V.S.A. Section 1974).

3. Upon such neglect or refusal, the Local Board of Health may prevent, remove or destroy any unhealthful conditions or causes of sickness. Expenses incurred by such action shall be

recovered from the person whose legal duty it was to comply with such order (18 V.S.A. Section 610).

Hinderance

Any person who attempts to hinder the work of the Health Officer or his authorized agent, or the Local Board of Health shall be fined not more than \$500 for each offense (18 V.S.A. Section 616).

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SECTION VII. DEFINITIONS

Applicant -- the person who owns the premises on which the sewage disposal system will be constructed.

Local Board of Health -- the Local Health Officer, with the Selectmen of the town or city council.

Local Health Officer -- the legally designated health authority of the town.

On-Site Sewage System -- system for disposal of domestic waste using soil as a disposal medium, including a tank for collection of solids and a leach area for liquids.

Permit -- a written permit issued by the Local Board of Health or other authorized person. Said permit shall become void if not used within one year after the date it is issued.

Person -- any institution, public or private corporation, individual, partnership, or other entity.

Subsurface Sewage Disposal System -- any system which treats and disposes of domestic sewage underground.

Submitted for Local Board of Health:

Health Officer

Date

Chairman, Board of Selectmen

Date

Approved by the Vermont Board of Health _____

Date

Adopted by the Local Board of Health _____
Date

And made affective: _____
Date

5/83